

perpetuated the opioid crisis are needed more now than ever. The Block, Report, And Suspend Suspicious Shipments Act will crack down on these abuses. It will improve oversight of the opioid supply chain by mandating that the drug manufacturers and distributors exercise due diligence when they receive a suspicious order for controlled substances. This includes blocking or declining to fill the suspicious order, and providing the DEA with additional data and background on the indicators on the order in question.

Distributors and manufacturers should be active partners in addressing these abuses, and this legislation's commonsense protections will save lives in Michigan and the country.

Madam Speaker, I want to recognize my colleague, Congressman MCKINLEY, for his years of leadership and work in highlighting this issue and driving action to address the role bad actors continue to play in perpetuating the opioid crisis. I also thank Chairman PALLONE and Ranking Member WALDEN, who I am going to miss greatly, as well as the Democratic and Republican committee staff for working tirelessly to advance this important bipartisan priority.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. PALLONE. Madam Speaker, I have no additional speakers. I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. MCKINLEY. Madam Speaker, I rise in support of H.R. 3878. While Congress has understandably been focused on the COVID-19 pandemic, the opioid epidemic has not gone away. In fact, across the nation overdose deaths are up 13 percent from this time last year.

In West Virginia, nearly twice as many people have died from drug abuse than from COVID.

Last Congress, the Energy and Commerce Committee conducted an investigation that found massive evidence of pill dumping. One example in the report was that nearly 9 million pills were distributed in just two years to a single pharmacy in West Virginia. Finally, two years later we're passing legislation that would help address the problem.

I am proud to work with Mrs. DINGELL on this nonpartisan bill. The Block, Report, and Suspend Suspicious Shipments Act would require drug wholesalers and manufacturers to report and stop unusually large orders. We are hopeful this bill will be another positive step in addressing America's opioid epidemic.

I urge my colleagues to support the passage of H.R. 3878.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3878, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1330

# DEBARMENT ENFORCEMENT OF BAD ACTOR REGISTRANTS ACT OF 2020

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4806) to amend the Controlled Substances Act to authorize the debarment of certain registrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 4806

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Debarment Enforcement of Bad Actor Registrants Act of 2020" or the "DEBAR Act of 2020".

## SEC. 2. DEBARMENT OF CERTAIN REGISTRANTS.

Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended by adding at the end the following:

"(h) The Attorney General may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period as the Attorney General may determine, any person from being registered under this title to manufacture, distribute, or dispense a controlled substance or a list I chemical, if the Attorney General finds that—

"(1) such person meets or has met any of the conditions for suspension or revocation of registration under subsection (a); and

"(2) such person has a history of prior suspensions or revocations of registration.".

## SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

## GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4806.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4806, the Debarment Enforcement of Bad Actor Registrants Act of 2020, or the DEBAR Act of 2020, which gives the Drug Enforcement Administration, or the DEA, additional tools to go after bad actors.

The DEA is charged with enforcing and implementing policies to protect public health and safety through the Controlled Substances Act.

One important lever DEA has at its disposal to manage diversion or non-compliance with the law is the ability to revoke or surrender an individual's CSA registration, which is needed to handle controlled substances. While this is an important tool, a recent Department of Justice Office of the Inspector General report found weaknesses in DEA's registration process and instances where the agency did not fully utilize its regulatory authorities to address noncompliance. Specifically, the inspector general found cases where entities have been able to obtain a new license after having one that was revoked.

For example, the report outlined a case that included a doctor who was engaged in serious misconduct and had his registration revoked, who then moved to another State under the authority of a different DEA field division. When the doctor reapplied for registration, it was granted.

Another example, Madam Speaker, in the report included a dentist who had voluntarily surrendered his medical license and DEA registration on two separate occasions. The dentist also had been convicted of a felony, which is grounds for suspension or revocation of an individual's registration under the CSA. However, according to DEA, the dentist was still able to obtain another DEA registration.

Now, these errors by the DEA are simply unacceptable, Madam Speaker. Today, we are considering H.R. 4806, which would address these errors. The legislation would authorize the debarment of any registrant that either meets the criteria for temporary or permanent suspension or revocation or has a history of prior suspension or revocations.

Again, I thank my colleague Representative LATTA for leading this legislation and Ranking Member WALDEN and his staff for working with me on this legislation.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, November 16, 2020.

Hon. JERROLD NADLER,  
Chair, Committee on Judiciary,  
Washington, DC.

DEAR CHAIRMAN NADLER: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 4806, the DEBAR Act of 2020, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 4806 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together

as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, JR.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 16, 2020.

Hon. FRANK PALLONE, JR.,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN PALLONE: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 4806, the "Debarment Enforcement of Bad Actor Registrants Act of 2019," that fall with in our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 4806, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,  
Chairman.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4806, the Debarment Enforcement of Bad Actor Registrants, or DEBAR Act, which was introduced by Energy and Commerce Communications and Technology Subcommittee leader BOB LATTA. He spoke to this legislation earlier on a different bill and had a commitment now that precludes him from being here as this bill comes up.

This legislation would give the Drug Enforcement Administration debarment authority to prohibit a person who has repeatedly violated the Controlled Substances Act from being able to receive a registration to manufacture, distribute, or dispense a controlled substance.

A recent Justice Department Office of Inspector General report found that certain bad actor registrants who had their registration revoked were able to simply reapply for registration the day after the enforcement action or registration surrender occurred. As a result, registrants who pose a significant risk of diverting drugs are actually given an opportunity to do it again. Repeat offenders should not be able to get away with a new registration from the DEA just days after the suspension of the old one. Limited debarment authority is a commonsense and effective administrative tool to address diversion, fraud, and misconduct.

I strongly support Mr. LATTA's legislation and I thank my colleague, the

chairman of the committee, for his work on this, as well.

Mr. Speaker, I urge our colleagues to support this bill, and I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. WALDEN. Madam Speaker, I, too, would urge this bill's passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ENSURING COMPLIANCE AGAINST DRUG DIVERSION ACT OF 2020

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4812) to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 4812

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Compliance Against Drug Diversion Act of 2020".

#### SEC. 2. MODIFICATION, TRANSFER, AND TERMINATION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES.

Subsection (a) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (C), the registration of any registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals terminates if and when such registrant—

"(i) dies;

"(ii) ceases legal existence;

"(iii) discontinues business or professional practice; or

"(iv) surrenders such registration.

"(B) In the case of such a registrant who ceases legal existence or discontinues business or professional practice, such registrant shall promptly notify the Attorney General in writing of such fact.

"(C) No registration under this title to manufacture, distribute, or dispense controlled substances or list I chemicals, and no authority conferred thereby, may be assigned or otherwise transferred except upon such conditions as the Attorney General may specify and then only pursuant to written consent. A registrant to whom a registration is assigned or transferred pursuant to the preceding sentence may not manufacture, distribute, or dispense controlled sub-

stances or list I chemicals pursuant to such registration until the Attorney General receives such written consent.

"(D) In the case of a registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals desiring to discontinue business or professional practice altogether or with respect to controlled substances and list I chemicals (without assigning or transferring such business or professional practice to another entity), such registrant shall return to the Attorney General for cancellation—

"(i) the registrant's certificate of registration;

"(ii) any unexecuted order forms in the registrant's possession; and

"(iii) any other documentation that the Attorney General may require."

#### SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4812.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4812, the Ensuring Compliance Against Drug Diversion Act.

As I have already mentioned, the Drug Enforcement Administration, or DEA, has an established registration system for controlled substances, including opioids. This system is meant to identify entities that manufacture, distribute, and dispense these substances, as well as to prevent diversion of these substances. We rely on the DEA to maintain the integrity of this system as one way to stop illicit diversion before it starts.

However, a 2016 Government Accountability Office report found over 700 registrants in DEA's system may have been ineligible to have controlled substance registrations. GAO found that the registrants were reportedly deceased, did not possess State level authority, or were incarcerated for offenses related to controlled substances.

This bill terminates the controlled substance registration of any registrant if the registrant dies, ceases legal existence, discontinues business or professional practice, or surrenders